

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

TINA CARTER HUGHES,)
)
)
Plaintiff,)
)
)
v.) 1:11CV546
)
)
RESEARCH TRIANGLE INSTITUTE and)
MVA RA, LLC,)
)
)
Defendants.)

ORDER

This matter is before the Court on a Recommendation of the United States Magistrate Judge recommending that Defendant Research Triangle Institute's Motion to Dismiss a Corporate Officer from the Case [Doc. #27] be granted and Plaintiff's Amended Complaint [Doc. #23] should be construed to name Research Triangle Institute as a Defendant in place of Defendant G. Edward Story. Additionally, the Recommendation [Doc. #37] recommends that the Motion to Dismiss of MVR RA, LLC Pursuant to Rule 12(b)(6) [Doc. #30] be granted.¹

¹ The Court also notes that in his Memorandum Opinion, Order, and Recommendation of United States Magistrate Judge [Doc. #37], the Magistrate Judge also entered orders regarding Plaintiff's Second Amended Complaint [Doc. #33]. Specifically, the Magistrate Judge ordered that Plaintiff's Second Amended Complaint be construed as a request for leave to file a Second Amended Complaint and denied such request. The Magistrate Judge further ordered that Defendant Research Triangle Institute's Motion to Strike or Dismiss Plaintiff's Second Amended Complaint [Doc. #35] be denied as moot. However, such rulings by the Magistrate Judge are not the subject of this Order because, pursuant to 28 U.S.C. § 636(b)(1), a motion to amend is a nondispositive pretrial matter that the Magistrate Judge does not have to address by recommendation. See 28 U.S.C. § 636(b)(1) (2006 & Supp. 2010); Deberry v. Davis, No. 1:08CV582, 2010 WL 1610430, at *7 n.8 (M.D.N.C. Apr. 19, 2010) (unpublished); see also Fed. R. Civ. P. 72(a) (stating that magistrate judges may issue orders on nondispositive pretrial matters). The district court may only reconsider a magistrate judge's order on a nondispositive pretrial matter if it is "clearly erroneous or contrary to law." § 636(b)(1)(A). As the Court finds no such error, it will not disturb the Magistrate Judge's findings and conclusions regarding

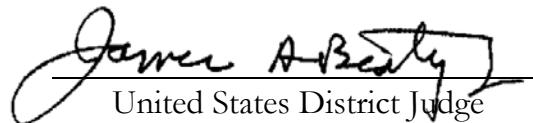
The Recommendation was filed on August 22, 2013, and notice was served on the parties pursuant to 28 U.S.C. § 636(b). No objections were filed within the time limits prescribed by § 636.

In the absence of objections, this Court reviews the Recommendation only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Fed. R. Civ. P. 72 advisory committee's note. The Court has appropriately reviewed the Recommendation. Having done so, the Court finds that no clear error exists and the Recommendation should be adopted. The Magistrate Judge's Recommendation [Doc. #37] is therefore affirmed and adopted for the reasons set forth therein.

IT IS THEREFORE ORDERED that Defendant Research Triangle Institute's Motion to Dismiss a Corporate Officer from the Case [Doc. #27] is granted and Plaintiff's Amended Complaint [Doc. #23] is construed to name Research Triangle Institute as a Defendant in place of Defendant G. Edward Story.

IT IS FURTHER ORDERED that the Motion to Dismiss of MVR RA, LLC Pursuant to Rule 12(b)(6) [Doc. #30] is granted.

This, the 21st day of October, 2013.



James A. Beatty
United States District Judge

Plaintiff's Second Amended Complaint in this case.